

Application No. : 10/086,391 Confirmation No. : 1315
Applicant : Creamer, *et al.*
Filed : March 1, 2002
TC/A.U. : 2697
Examiner : Elahee, MD S.
Docket No. : BOC9-2001-0012 (247)

MAR 2 2002

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On December 29, 2004, Applicants filed a Request for Continued Examination (RCE) together with a Petition for Retroactive Extension of Time in connection with the above-referenced application. Applicants authorized Deposit Account No. 50-0951 to be charged \$120 for a (1) month extension of time as well as \$790.00 for the RCE fee. As can clearly be seen from the February 2005 Statement of the U.S. Patent and Trademark Office Deposit Account No. 50-0951, the Account was erroneously charged twice for the RCE fee in the amount of \$790.00 on February 22, 2005. As can be seen from the Patent Application Information Retrieval (PAIR) system, the Request for Continued Examination was scanned into the PAIR system twice on December 29, 2004, perhaps causing the inadvertent duplicate charge to the authorized Deposit Account.

Applicants respectfully request that the duplicate RCE fee of \$790.00 be refunded to Deposit Account 50-0951. The Commissioner is hereby authorized to refund the excess fee in

Certificate Under 37 CFR 1.8(a)
I hereby certify that this correspondence is being transmitted via U.S.P.S. First Class Mail, to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

3-22-05

Date

(WP226103;1)


Gregory A. Nelson, Esquire Reg. No. 30,577

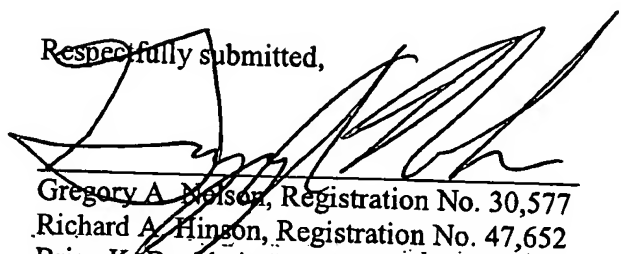
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U.S. Patent Appln. No. 10/086,391
Request for Refund dated Mar. 22, 2005
Docket No. BOC9-2001-0012 (247)

the amount of \$790.00 to Deposit Account No. 50-0951 and submit Notice of such refund to the undersigned counsel

Date: 3-22-05

Respectfully submitted,



Gregory A. Nelson, Registration No. 30,577

Richard A. Hinson, Registration No. 47,652

Brian K. Buenheit, Registration No. 52,667

AKERMAN SENTERFITT

Customer No. 40987

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West Palm Beach, FL 33402-3188

Telephone: (561) 653-5000



**United States
Patent and
Trademark Office**



Deposit Account Statement

Requested Statement Month:

February 2005

Deposit Account Number:

500951

Name:

AKERMAN SENTERFITT & EIDSON PA

Attention:

GREGORY A NELSON

Address:

P.O. BOX 3188

City:

WEST PALM BEACH

State:

FL

Zip:

33402-3188

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
02/01	10	10474119	9526-33	2253	\$490.00	\$24,293.00
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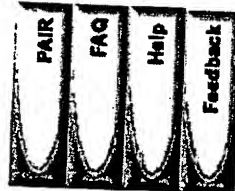


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PATENT APPLICATION INFORMATION RETRIEVAL



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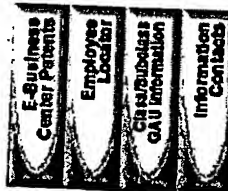


Image File Wrapper for Application No.:10/086,391						
This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Download.						
Mail Room Date	Document Description	Document Category	Page Count	All	None	Download
03/11/2005	Search info on File Wrapper	PROSECUTION	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
03/11/2005	Claims recorded on File Wrapper	PROSECUTION	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
03/11/2005	Foreign Reference	PROSECUTION	6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
03/11/2005	List of references cited by Examiner	PROSECUTION	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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03/01/2005	Examiner Search Notes	PROSECUTION	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12/29/2004	Request for Continued Examination (RCE)	PROSECUTION	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12/29/2004	Authorization from Applicant to Treat All Replies as Incorporating an Extension of Time	PROSECUTION	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12/29/2004	Extension of time from Applicant - filed as separate letter	PROSECUTION	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12/29/2004	Transmittal to TC	PROSECUTION	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12/29/2004	Request for Continued Examination (RCE)	PROSECUTION	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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12/16/2004	Advisory Action (PTOL-303)	PROSECUTION	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12/16/2004	Change of Address	PROSECUTION	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PTO/RS/20 (09-03)

Approved for use through 07/31/2008. CSIS 0551-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10086391
Filing Date	March 1, 2002
First Named Inventor	Creamer, et al.
Art Unit	2697
Examiner Name	Elchao, MD 3
Attorney Docket Number	8000-2001-0012 (247)

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments or closed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Proceed with submission. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☒ Other Amendment Filed October 12, 2004.

b. ☐ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Information Disclosure Statement (IDS)

iii. ☐ Amendment(s) Declaration(s)

iv. ☐ Other _____

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(e) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 50-0851

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-3038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-3038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	RICHARD A. HINSON, ESQUIRE	Registration No. (Attorney/Agent)	147,852
Signature	<i>Richard A. Hinson</i>	Date	DECEMBER 29, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	RICHARD A. HINSON, ESQUIRE	Date	DECEMBER 29, 2004
Signature	<i>Richard A. Hinson</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0169 and select option 2.

PAGE 55 * RCVD AT 12/29/2004 6:25:38 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-U1 * DMS:872306 * CSID:561659313 * DURATION (mm:ss):02:44

Adjustment Date: 05/27/2005 SDIRETA1
02/22/2005 TWITCHER 00000009 500951 10086391
01 FC:1801 790.00 CR

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